

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3351

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. BROOKS (for himself and Mr. SCHUMER) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SEC. 101. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**  
4       **FENDERS.**

5       (a) IN GENERAL.—Title I of the Omnibus Crime  
6       Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
7       et seq.), is amended—

8               (1) by redesignating part S as part T;

1           (2) by redesignating section 1901 as section  
2       2001; and

3           (3) by inserting after part R the following:

4       **“PART S—ALTERNATIVE PUNISHMENTS FOR**  
5                               **YOUNG OFFENDERS**

6       **“SEC. 1901. GRANT AUTHORIZATION.**

7           “(a) IN GENERAL.—The Director of the Bureau of  
8       Justice Assistance (referred to in this part as the ‘Direc-  
9       tor’) may make grants under this part to States, for the  
10      use by States and units of local government in the States,  
11      for the purpose of developing alternative methods of pun-  
12      ishment for young offenders to traditional forms of incar-  
13      ceration and probation.

14          “(b) ALTERNATIVE METHODS.—The alternative  
15      methods of punishment referred to in subsection (a)  
16      should ensure certainty of punishment for young offenders  
17      and promote reduced recidivism, crime prevention, and as-  
18      sistance to victims, particularly for young offenders who  
19      can be punished more effectively in an environment other  
20      than a traditional correctional facility, including—

21               “(1) alternative sanctions that create account-  
22              ability and certainty of punishment for young of-  
23              fenders;

24               “(2) boot camp prison programs;

1           “(3) technical training and support for the im-  
2           plementation and maintenance of State and local  
3           restitution programs for young offenders;

4           “(4) innovative projects;

5           “(5) correctional options, such as community-  
6           based incarceration, weekend incarceration, and elec-  
7           tronic monitoring of offenders;

8           “(6) community service programs that provide  
9           work service placement for young offenders at non-  
10          profit, private organizations and community organi-  
11          zations;

12          “(7) demonstration restitution projects that are  
13          evaluated for effectiveness; and

14          “(8) innovative methods that address the prob-  
15          lems of young offenders convicted of serious sub-  
16          stance abuse, including alcohol abuse, and gang-re-  
17          lated offenses, including technical assistance and  
18          training to counsel and treat such offenders.

19   **“SEC. 1902. STATE APPLICATIONS.**

20          “(a) IN GENERAL.—(1) To request a grant under  
21          this part, the chief executive of a State shall submit an  
22          application to the Director in such form and containing  
23          such information as the Director may reasonably require.

24          “(2) Such application shall include assurances that  
25          Federal funds received under this part shall be used to

1 supplement, not supplant, non-Federal funds that would  
2 otherwise be available for activities funded under this part.

3 “(b) STATE OFFICE.—The office designated under  
4 section 507 of title I of the Omnibus Crime Control and  
5 Safe Streets Act of 1968 (42 U.S.C. 3757)—

6 “(1) shall prepare the application as required  
7 under subsection (a); and

8 “(2) shall administer grant funds received  
9 under this part, including review of spending, proc-  
10 essing, progress, financial reporting, technical assist-  
11 ance, grant adjustments, accounting, auditing, and  
12 fund disbursement.

13 **“SEC. 1903. REVIEW OF STATE APPLICATIONS.**

14 “(a) IN GENERAL.—The Director shall make a grant  
15 under section 1901(a) to carry out the projects described  
16 in the application submitted by such applicant under sec-  
17 tion 1902 upon determining that—

18 “(1) the application is consistent with the re-  
19 quirements of this part; and

20 “(2) before the approval of the application, the  
21 Director has made an affirmative finding in writing  
22 that the proposed project has been reviewed in ac-  
23 cordance with this part.

24 “(b) APPROVAL.—Each application submitted under  
25 section 1902 shall be considered approved, in whole or in

1 part, by the Director not later than 45 days after first  
2 received unless the Director informs the applicant of spe-  
3 cific reasons for disapproval.

4 “(c) RESTRICTION.—Grant funds received under this  
5 part shall not be used for land acquisition or construction  
6 projects, other than alternative facilities described in sec-  
7 tion 1901(b).

8 “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
9 ATION.—The Director shall not disapprove any application  
10 without first affording the applicant reasonable notice and  
11 an opportunity for reconsideration.

12 **“SEC. 1904. LOCAL APPLICATIONS.**

13 “(a) IN GENERAL.—(1) To request funds under this  
14 part from a State, the chief executive of a unit of local  
15 government shall submit an application to the office des-  
16 ignated under section 1901(b).

17 “(2) Such application shall be considered approved,  
18 in whole or in part, by the State not later than 45 days  
19 after such application is first received unless the State in-  
20 forms the applicant in writing of specific reasons for dis-  
21 approval.

22 “(3) The State shall not disapprove any application  
23 submitted to the State without first affording the appli-  
24 cant reasonable notice and an opportunity for reconsider-  
25 ation.

1       “(4) If such application is approved, the unit of local  
2 government is eligible to receive such funds.

3       “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-  
4 MENT.—A State that receives funds under section 1901  
5 in a fiscal year shall make such funds available to units  
6 of local government with an application that has been sub-  
7 mitted and approved by the State within 45 days after  
8 the Director has approved the application submitted by  
9 the State and has made funds available to the State. The  
10 Director shall have the authority to waive the 45-day re-  
11 quirement in this section upon a finding that the State  
12 is unable to satisfy such requirement under State statutes.

13       **“SEC. 1905. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14       “(a) STATE DISTRIBUTION.—Of the total amount ap-  
15 propriated under this part in any fiscal year—

16               “(1) 0.4 percent shall be allocated to each of  
17 the participating States; and

18               “(2) of the total funds remaining after the allo-  
19 cation under paragraph (1), there shall be allocated  
20 to each of the participating States an amount which  
21 bears the same ratio to the amount of remaining  
22 funds described in this paragraph as the number of  
23 young offenders of such State bears to the number  
24 of young offenders in all the participating States.

1       “(b) LOCAL DISTRIBUTION.—(1) A State that re-  
2 ceives funds under this part in a fiscal year shall distribute  
3 to units of local government in such State for the purposes  
4 specified under section 1901 that portion of such funds  
5 which bears the same ratio to the aggregate amount of  
6 such funds as the amount of funds expended by all units  
7 of local government for criminal justice in the preceding  
8 fiscal year bears to the aggregate amount of funds ex-  
9 pended by the State and all units of local government in  
10 such State for criminal justice in such preceding fiscal  
11 year.

12       “(2) Any funds not distributed to units of local gov-  
13 ernment under paragraph (1) shall be available for ex-  
14 penditure by such State for purposes specified under sec-  
15 tion 1901.

16       “(3) If the Director determines, on the basis of infor-  
17 mation available during any fiscal year, that a portion of  
18 the funds allocated to a State for such fiscal year will not  
19 be used by such State or that a State is not eligible to  
20 receive funds under section 1901, the Director shall award  
21 such funds to units of local government in such State giv-  
22 ing priority to the units of local government that the Di-  
23 rector considers to have the greatest need.

24       “(c) FEDERAL SHARE.—The Federal share of a  
25 grant made under this part may not exceed 75 percent

1 of the total costs of the projects described in the applica-  
2 tion submitted under section 1902(a) for the fiscal year  
3 for which the projects receive assistance under this part.

4 **“SEC. 1906. EVALUATION.**

5       “(a) IN GENERAL.—(1) Each State and local unit of  
6 government that receives a grant under this part shall  
7 submit to the Director an evaluation not later than March  
8 1 of each year in accordance with guidelines issued by the  
9 Director and in consultation with the National Institute  
10 of Justice.

11       “(2) The Director may waive the requirement speci-  
12 fied in paragraph (1) if the Director determines that such  
13 evaluation is not warranted in the case of the State or  
14 unit of local government involved.

15       “(b) DISTRIBUTION.—The Director shall make avail-  
16 able to the public on a timely basis evaluations received  
17 under subsection (a).

18       “(c) ADMINISTRATIVE COSTS.—A State and local  
19 unit of government may use not more than 5 percent of  
20 funds it receives under this part to develop an evaluation  
21 program under this section.”.

22       (b) CONFORMING AMENDMENT.—The table of con-  
23 tents of title I of the Omnibus Crime Control and Safe  
24 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended



1 by striking the matter relating to part S and inserting the  
 2 following:

“PART S—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

- “Sec. 1901. Grant authorization.
- “Sec. 1902. State applications.
- “Sec. 1903. Review of State applications.
- “Sec. 1904. Local applications.
- “Sec. 1905. Allocation and distribution of funds.
- “Sec. 1906. Evaluation.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 2001. Continuation of rules, authorities, and proceedings.”.

3 (c) DEFINITION.—Section 901(a) of the Omnibus  
 4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 5 3791(a)), is amended by adding at the end the following  
 6 new section:

7 “(25) The term ‘young offender’ means an indi-  
 8 vidual 28 years of age or younger.”.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 Section 1001(a) of title I of the Omnibus Crime Con-  
 11 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is  
 12 amended by adding after paragraph (12) the following:

13 “(13) There are authorized to be appropriated  
 14 \$200,000,000 for each of the fiscal years 1994, 1995, and  
 15 1996 to carry out the projects under part S.”.

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